

The Honorable Benjamin H. Settle

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

STANLEY PACE, an individual,

Plaintiff,

v.

JORAN LUNDH, an individual,

Defendant.

Case No. 3:18-cv-05965-BHS

**PLAINTIFF STANLEY PACE'S  
STATUS REPORT**

Plaintiff Stanley Pace respectfully submits this status report in response to the Court's September 18, 2020 ECF-only order following the re-assignment of this case upon Judge Leighton's retirement. (*See* Minute Order Reassigning Case (Dkt. No. 15).) Below is a concise summary of the status of this case and Pace's proposed next steps in bringing it to a close.

**A. Case Background**

Pace filed this action to obtain a judicial declaration under 28 U.S.C. § 2201 that his registration and use of the internet domain name LASCAL.COM ("Domain Name") does not violate Defendant Joran Lundh's rights under the federal Anticybersquatting Consumer Protection Act ("ACPA"), 15 U.S.C. § 1125(d), or otherwise under the Lanham Act, 15 U.S.C. § 1051, et seq. (*See* Complaint (Dkt. No. 1) at ¶ 1.) Pace filed a motion requesting permission to serve Hong Kong-based Lundh by email and FedEx under Rule 4(f)(2)(C)(ii) and (f)(3) at the contact information he supplied in connection with the arbitration giving rise to this action. (Dkt. No. 6.)

1 The Court issued an Order granting Pace's motion, authorizing service of process on  
 2 Lundh by two means: under Rule 4(f)(2)(C)(ii) by Clerk-dispatched mail and under Rule 4(f)(3)  
 3 by email. ("Service Order" (Dkt. No. 8).) Lundh was served with process by email consistent  
 4 with the Service Order. (*See* Declaration of Service on Defendant Joran Lundh (Dkt. No. 9) ¶¶  
 5 8–9, Ex. B.) And Lundh was served with process by Clerk-dispatched mail consistent with the  
 6 Service Order. (*See id.* ¶¶ 3–7, Ex. A.) The Clerk entered default against Lundh. (Dkt. No. 12.)

7 Following effective service and entry of default, Pace moved for a default judgment against  
 8 Lundh, seeking the requested declaratory relief as to the Domain Name. (Plaintiff Stanley Pace's  
 9 Motion for Entry of Default Judgment Against Defendant Joran Lundh (Dkt. No. 13), p. 5.) Judge  
 10 Leighton denied Pace's motion for default judgment in an Order indicating that the alternative-  
 11 service motion was granted reluctantly<sup>1</sup>, and the Court required more details supporting Pace's  
 12 requested relief in order to award default judgment. (Dkt. No. 14.)

13 Within days of the Court's Order denying Pace's motion for default judgment, Lundh  
 14 forwarded a copy of the order to Uniregistry, the domain-name registrar responsible for  
 15 maintaining Pace's registration of the Domain Name, asking for the Domain Name, "I have just  
 16 received the enclosed document regarding the court case No C18-5965RBL, United States  
 17 District Court Western District of Washington At Tacoma. Does this mean that the domain  
 18 name Lascal.com can be transferred to me?" (September 25, 2020 Declaration of Derek Linke  
 19 ("Linke Decl.") ¶ 2, Ex. A)

20 Uniregistry forwarded Lundh's request to Pace's counsel. (Linke Decl. ¶ 2, Ex. A.)  
 21 Uniregistry indicated that, under the circumstances, the Domain Name's status would remain  
 22 unchanged. (*Id.* at ¶ 3.) Uniregistry also advised that Lundh's correspondence "demonstrates,  
 23 among other things, (a) that [Lundh] is actively aware of the litigation and is following it, and  
 24 (b) the defendant is attempting to obtain the domain name." (*Id.*) Now there is no question as to  
 25 whether Lundh has actual notice of this action.  
 26  
 27

28 <sup>1</sup> There was no mention of reluctance or any other hesitation in the Court's Order Directing Foreign Service of  
 Process Under Fed. R. Civ. P. 4(f)(2)(C)(ii) and Fed. R. Civ. P. 4(f)(3). (*See* Dkt. No. 8).

**B. Pace's Proposed Next Steps**

Since then, Lundh has apparently continued to monitor this action closely, hoping that his refusal to participate in this judicial process will result in his obtaining the Domain Name. As of the date of this filing, Pace has been unable to locate Lundh for potential service in a jurisdiction other than Hong Kong, which he continues to hold out as his residence. (*See* Linke Decl. ¶ 4, Ex. B.) However, despite attempting to conceal his presence within the U.S., Lundh routinely works with U.S. counsel to secure federal patent and trademark registrations. (*Id.* at ¶ 5, Ex. C.) For example, as recently as October 8, 2019, the U.S. Patent & Trademark Office issued Patent No. 10,433,656 to Lundh. (*Id.*)

Under the circumstances, Pace requests that the Court provide 28 days, until October 23, 2020, to present an amended and supplemental motion for default judgment addressing Lundh's residence status and tracking of this case along with issues identified in the March 4, 2020 Order.

Dated: September 25, 2020

Respectfully submitted,

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s/ Derek Linke

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